

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
**BOARD OF ZONING ADJUSTMENT**



Application No. 13597 of William J. Daly and Nancy J. Kleeman, as amended, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the side yard requirements (Sub-section 3305.1 and Paragraph 7107.22), the lot occupancy requirements (Sub-section 3303.1 and Paragraph 7107.23) and from the prohibition against allowing an addition to a non-conforming structure which now exceeds the lot occupancy limitations (Paragraph 7107.21) for a proposed new addition to a dwelling which is a non-conforming structure in an R-4 District at the premises 1815 Ingleside Terrace, N.W., (Square 2617, Lot 133).

HEARING DATE: November 10, 1981

DECISION DATE: November 10, 1981 (Bench Decision)

FINDINGS OF FACT:

1. The subject property is located on the north side of Ingleside Terrace west of 18th Street and is known as premises 1815 Ingleside Terrace N.W. It is in an R-4 District.

2. The subject site is pie shaped. Its width on Ingleside Terrace measures 19.85 feet. Its rear width measures 30.01 feet. The grade slopes from front to back so that the first floor is approximately ten feet off the ground at the rear.

3. The site is improved with a two-story brick semi-detached structure. The lot is located at a bend in the street. There is a small side yard on the east side of the house. This side yard is sixteen inches wide at the front and approximately 5.6 feet wide at the rear. There is a brick wall approximately ten feet high at the front of the side yard between the applicant's house and the house to the east. The wall prevents anyone from passing from the front to the back through the side yard and gives the appearance of a continuous row of houses. The lot adjoining the east side has a house built up to the property line and begins another row of houses. The west wall is a party wall and a row continues in that direction. The row of which the applicant's house is a part has basement party walls and rear porches. These porches, which sit on the basement party walls are set back from the side lines by one foot. The rear of the house faces Rock Creek Park. With one

exception, both sides of the block are row houses. That exception is a building with ten condominium units.

4. The applicant proposes to enclose a rear porch and convert it into a sun room and kitchen and to construct a deck off the rear of the structure.

5. The applicant requires a variance of 6.67 feet from the side yard requirements, 196.39 square feet from the lot occupancy requirements and a variance allowing an addition to a non-conforming structure which now exceeds the lot occupancy requirements.

6. The Board at the public hearing, permitted the applicant to amend the application. The applicant no longer require relief from the court requirements. Based on the testimony and the photos, the Board found that the tin covering the area between the applicant's house and the abutting property to the west was a structural part of the house. The space was covered by this element and not open to the sky and thus did not constitute a court under the Zoning Regulations. It appears that the plat shown to the Zoning Administrator indicated space open to the sky.

7. The variance for the set back from the side line is required because of the existence of a side yard. If it is in existence, the side yard must be eight feet wide throughout its length. The existing house already does not conform. The deck is also subject to the set back because it is over four feet off the ground. The deck is at the first floor level and extends out in line with the side wall of the building. If there were no side yard there would be no problem extending the deck in line with the side wall of the building.

8. The variances relating to lot occupancy are necessary because the existing structure occupies more than forty percent of the lot and the deck would increase the coverage. Since the site is in an R-4 District and there is a side yard, the coverage can not exceed forty percent. If there were no side yard, if the lot were not on a bend in the street or were located in the middle of one of the surrounding rows, there would be no need for a variance since the permissible coverage would be sixty percent for a row structure. The house and deck would not exceed that amount.

9. There are many rear decks on the properties in the immediate vicinity of the site. The abutting properties to the east and west of the site have no rear decks. There would be no interference with the light and air to the property to the east since all that would be below the deck is the basement and also the deck is 5.6 feet from said eastern property line. As to the west there should be no

interference with light and air since the deck does not extend to the property line. At the property line, the deck is four feet above grade and next to said neighbor's driveway and garage.

10. Both of the abutting property owners submitted letters to the record in support of the application.

11. Advisory Neighborhood Commission 1E, by letter of November 7, 1981, stated that the ANC has reviewed the proposed plans and ANC has no cause to oppose them.

12. There was no opposition to the application.

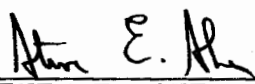
CONCLUSIONS OF LAW AND OPINION:

Based on the record the Board concludes that the applicant is seeking area variances the granting of which requires proof of a practical difficulty inherent in the land itself. Based on Finding Nos. 2 and 3 the Board concludes that such a practical difficulty exists. The Board notes the lack of opposition to the application and the support of the property owners abutting the subject site. The Board further concludes that the application can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan. Accordingly, it is ORDERED that the application is GRANTED.

VOTE: 3-0 (Charles R. Norris, Walter B. Lewis and Connie Fortune to grant, William F. McIntosh and Douglas J. Patton not present, not voting)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:

  
STEVEN E. SHER  
Executive Director

FINAL DATE OF ORDER:

MAR 11 1982

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS AND INSPECTIONS.